

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

**IN RE: REALPAGE, INC., RENTAL  
SOFTWARE ANTITRUST LITIGATION  
(NO. II)**

**Case No. 3:23-MD-3071  
MDL No. 3071**

**This Document Relates to:  
3:23-cv-00757 (M.D. Tenn.)  
3:23-cv-01832-MEH (D. Colo.)**

**Chief Judge Waverly D. Crenshaw, Jr.**

**UNOPPOSED MOTION FOR ORDER SUSPENDING DEADLINE FOR CERTAIN  
DEFENDANTS TO RESPOND TO COMPLAINTS**

Pursuant to Local Civil Rule 6.01(a)(1), Defendants B.HOM Student Living LLC (“B.HOM”) and Timberline Real Estate Ventures, LLC (“Timberline”) respectfully request an Order suspending the deadlines for these Defendants to answer, move to dismiss, or otherwise respond to the *Lauder* and *Dempsey* Complaints.

Plaintiffs Mia Lauder and Rachel Meredith served B.HOM with the Complaint in *Lauder et al. v. RealPage, Inc. et al.*, No. 3:23-cv-00757 (M.D. Tenn.) on July 17, 2023, and served Timberline on July 18, 2023. Under Federal Rule of Civil Procedure 12(a)(1)(A), B.HOM’s current deadline to respond to the *Lauder* Complaint is August 7, 2023, and Timberline’s deadline to respond is August 8, 2023.

Plaintiffs Benjamin Dempsey and Ivonne Mendieta served B.HOM with the Complaint in *Dempsey et al. v. RealPage Inc., et al.*, No. 1:23-cv-01832 (D. Colo.)<sup>1</sup> on July 21, 2023, and have

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<sup>1</sup> The Judicial Panel on Multidistrict Litigation transferred the *Dempsey* action to this Court on August 2, 2023. See Dkt. 457. As of this filing, a Middle District of Tennessee case number has not yet been assigned to the *Dempsey* action.

filed a proof of service indicating that they purported to serve Timberline on July 25, 2023.

B.HOM's current deadline to respond to the *Dempsey* Complaint is August 11, 2023, and

Timberline's deadline to respond, if calculated according to the date on Plaintiffs' proof of

service, would be August 15, 2023.

Counsel for Plaintiffs and for Defendants B.HOM and Timberline have conferred and agree that the deadline for these Defendants to answer, move to dismiss, or otherwise respond to the *Lauder* and *Dempsey* Complaints should be suspended in light of Plaintiffs' intent to file a Consolidated Amended Complaint. It would be inefficient for B.HOM and Timberline to answer, move to dismiss, or otherwise respond to the current *Lauder* and *Dempsey* Complaints, as the forthcoming Consolidated Amended Complaint will supersede those Complaints as the operative pleading.

For these reasons, Defendants B.HOM and Timberline request that this Court suspend their deadlines to answer, move to dismiss, or otherwise respond to the *Lauder* and *Dempsey* Complaints until Plaintiffs file their Consolidated Amended Complaint. Defendants B.HOM and Timberline will thereafter respond to Plaintiffs' Consolidated Amended Complaint pursuant to a schedule approved by this Court. Plaintiffs' counsel indicated that Plaintiffs do not oppose this motion.

THEREFORE, Defendants B.HOM and Timberline respectfully request that this Court suspend their deadlines to answer, move to dismiss, or otherwise respond to the *Lauder* and *Dempsey* Complaints.

Dated: August 4, 2023

Respectfully submitted,

/s/ Ian Simmons

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/s/ Lee A. Peifer

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*Counsel for Defendant Timberline Real Estate Ventures, LLC*

## CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered on the CM/ECF system.

DATED: August 4, 2023

/s/ Ian Simmons

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